

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

UNITED STATES OF AMERICA)	CR No.: 3:12-40-JFA
)	
v.)	ORDER
)	FOR MENTAL EXAMINATION
ALFRED TURNIPSEED, JR.)	
)	
)	

This matter is before the court upon motion of the defendant for an independent medical examination by Dr. Thomas Martin. The record reveals that in 2011, the defendant was charged in state court on the same alleged crimes at issue in this case. Dr. Phillip Cornelius, after examining the defendant for a total of 90 minutes, opined that the defendant was not competent to proceed to trial.

Thereafter the charges were adopted by the federal government, and pursuant to an earlier-filed motion, this court ordered that the defendant be examined at the Butner Federal Correctional Institution. The defendant was transported to Butner where he was examined for two months by Dr. Manuel Gutierrez, who drafted a comprehensive report indicating that the defendant is malingering and is able to appreciate the wrongfulness of his actions.

Defendant thus suggests that, faced with conflicting reports from medical professionals, yet another examination is called for.

Although a compelling argument could be made that the Butner evaluation carries much more probative value than the Cornelius evaluation, the court will, out of an abundance of caution, nevertheless authorize another evaluation.

The motion for mental examination (ECF No. 139) is therefore granted and Dr. Thomas Martin is hereby requested to examine the defendant to determine his competency to stand trial. Counsel in this case shall make available to Dr. Martin all of the previous examinations and other medical records available in this case for Dr. Martin's study prior to conducting his examination.

After Dr. Martin has evaluated the defendant for a period of time deemed sufficient by him, he shall render a written report to this court and the court will thereupon conduct a hearing to determine the defendant's competency.

IT IS SO ORDERED.

August 1, 2012
Columbia, South Carolina

Joseph F. Anderson, Jr.
Joseph F. Anderson, Jr.
United States District Judge